



Maryland Department of Disabilities

Access Maryland Policies and Procedures

FY20 (2019/2020)

Access Maryland

Overview

The purpose of the Access Maryland Program is to bring State-owned facilities into compliance with State and federal mandates requiring access for persons with disabilities through removal of physical barriers. The Americans with Disabilities Act of 1990 (ADA) requires that all programs, activities and services of state and local governments be programmatically accessible to persons with disabilities. Programmatic accessibility means that all programs, services and employment opportunities offered to the general public are also accessible to individuals with disabilities. Section 504 of the Rehabilitation Act of 1973 mandates that all federally assisted programs, activities and facilities be available to persons with disabilities. Both of these mandates require self-evaluation for accessibility of all services, facilities, programs and activities.

Access Maryland funds are those funds contained in the Maryland capital budget for barrier-removal within State-owned facilities. The function of the Maryland Department of Disabilities (MDOD) is to request plans and projects from State agencies and University System of Maryland campuses for making facilities accessible and forward them to the Access Maryland Review Panel to evaluate and prioritize. MDOD submits a list of prioritized projects to the Department of Budget and Management for approval and inclusion in the Capital Budget. Projects included in the Capital Budget submission and approved by the MD State Legislature are referred to the Department of General Services (DGS) for inclusion in their design and construction processes.

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Access Maryland Standard Timeline

January/February	MDOD notifies agencies to submit requests for funds for modifications to State-owned facilities. Requests are for the fiscal year beginning July 1 of the following year.
March 1 st	Agencies submit completed Access Maryland Applications
Mid March – Mid April	Projects are reviewed by the Access Maryland Review Panel & scored. All scores are due by mid-April
Mid April – Mid May	MDOD prepares a draft list of proposed funding projects. Projects in facilities under the purview of DGS are forwarded to DGS for review of scope of work and accuracy of the cost estimate. MDOD drafts the Access Maryland Capital Budget request within CBIS.
Second week in June	DGS provides final feedback on vitality and feasibility of all DGS projects requested
June 30 th	MDOD submits its Capital Budget request based on prioritization of projects, scores, and cost estimates.
July 1 st – December 30 th	Agencies and universities are notified of their project's inclusion in the Capital Budget request.
Legislative Session (January – April)	Governor's Capital Budget is reviewed by Legislature and monies appropriated.
April 10 – July 1	Agencies prepare for expending of funds
July 1	Funds available for FY projects

Program Policies

Section A - Process Overview

1. Following Legislative approval of the agency projects included in MDOD's Capital Budget, project awardees must complete design phase between July 1 of the year in which funding is authorized and June 30 of the subsequent calendar year. If, at the end of the one-year design period, design has not been completed and approved by MDOD, the project is permanently ineligible for funding through the Access Maryland Program.
2. Following approval of design, an agency has 6 months to bid and award a construction contract or the project will no longer be eligible for funding through the Access Maryland Program. An extension may be granted but requires ongoing dialog with the Director of the Access MD Program at MDOD. Loss of funding eligibility does not, however, alleviate the requesting agency's obligation to complete modifications necessary to comply with Federal and State mandates.
3. Projects that exceed their anticipated costs in design phase by no more than 12% or in construction phase by no more than 12% may retain current funding eligibility, subject to review on a case-by-case basis and availability of funds. For projects approved for both design phase and construction phase in the same budget cycle, anticipated costs of no more than 25% may retain current funding eligibility, subject to review on a case-by-case basis and availability of funds. Projects approved for a single phase, which goes over 12% estimated costs, or projects approved for both phases in a single budget cycle, which goes over 25% estimated costs must be re-submitted to MDOD for a future cycle of funding utilizing cost estimates gleaned during the design process.

Section B

1. Transition Plan Executive Summary

For every application submitted for funding, Access Maryland will require an ADA Transition Plan Executive Summary. This Executive Summary serves in lieu of providing an updated Agency Transition Plan (Plan) to MDOD. However, the Executive Summary does require the institution or agency to disclose the date of the most current Plan on file. Transition Plans are federally mandated under the Americans with Disabilities Act (ADA), and every government agency is required to perform ADA self-evaluations of their current facilities. Transition Plans are living documents and should be updated by the Using Agency each time a project is completed or additional need is identified.

2. Transition Plans for USM

Via mandates outlined in the 2017 legislative session, USM should continue to submit Agency Transition Plans to the Maryland Department of Disabilities (MDOD) on a three-year cycle. Additionally, USM will provide an annual report to MDOD by March 1 of each year, which details projects in order to review for consistency with transition plans on file. However, please note, if MDOD has not received a copy of the most recent Transition Plan, a USM campus **may still apply** for funding from Access Maryland.

State agencies are encouraged to submit updated Plans electronically on a three-year cycle. However, Access Maryland will accept a Transition Plan Executive Summary in lieu of a current Plan on file.

3. Higher Education 30% Minimum Contribution Requirements

During the 2017 legislative session, the General Assembly adopted language beginning in fiscal year 2020, stating that USM will assume funding and execution of accessibility projects at USM campuses through an earmark of facility renewal projects with a combination of annual ARB authorizations and ACCESS MD Program funding.

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For all Access Maryland applications submitted by a higher education institution, a minimum of 30% of each request (design-only, construction-only, or both) must be contributed from sources other than Access Maryland funding. The Access Maryland application will include a field for higher education institutions to identify the amount contributed by alternative fund source/s and where the funding is coming from.

Verification of 30% Contribution

- i) In addition to identifying the alternate 30% funding requirement on the Access Maryland application, higher education institutions will need to provide a fund source letter to Access Maryland at the outset of the project identifying the fund(s) that will cover the USM contribution.
- ii) Once the project is completed, USM and higher education campuses will need to provide a Financial Closeout/Accounting overview, identifying all funds (Access Maryland funds and alternate funds) and how they were disbursed.

**Please note that any higher education application which does not indicate a minimum 30% project contribution from another source, will automatically forfeit its opportunity to undergo review by the Access Maryland Review Panel.*

Program Procedures

1. Fund Approval Letter

Fund approval letters are provided by MDOD verifying that the project has been approved for funding through Access Maryland. This serves as a note to the Department of General Services (DGS) to hold the approved amount for an agency/ USM campus. These are typically provided when the agency/USM campus goes before the Board of Public Works (BPW) for design or construction authorization.

2. Payment Disbursement Letter

Payment disbursement letters (previously known as a Fund Certification Letter) are provided by MDOD authorizing a transfer of funds to an agency/

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USM campus for services and indicating which fund will cover the costs. These are issued when the agency/USM campus seeks to pay for design or construction work. This process is typically initiated by email, and includes copies of the quotes/ invoices/ statements that need payment.

3. USM Reports

USM will provide an annual report to the Department of Disabilities by March 1 of each year, which details projects in order to review for consistency with transition plans on file.

4. Payment Process

1. Once an agency/campus has been awarded funds from Access Maryland, they will need to request a Fund Approval to begin the design or construction phase.
2. When the agency/campus is ready to pay for A/E services or construction costs, they must submit a request for a Fund Disbursement, along with a copy of the quotes/ invoices/ statements. Access Maryland will then provide a formal notice to the agency/campus authorizing the funds to be transferred. This notice will be simultaneously sent to DGS which will handle that actual transfer of funds into the agency/USM account.
3. After the agency/campus receives the funds, it's imperative that those funds be expended in a timely manner. Funds that have been encumbered (transferred to an agency or campus via a payment disbursement letter), but not expended in a timely manner risk having those funds reverted back to Access Maryland.

Application

1. Criteria

Access Maryland projects must:

- Focus on programmatic access;
- Cannot be part of a larger building renovation;

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- Should not be located in a building scheduled for renovations in the five-year capital plan;
- Must be capital (brick and mortar);
- Must cost more than \$2,500 and should include a cost estimate;
- Cannot be maintenance or repairs;
- Should not be located in auxiliary facilities; and
- Cannot be a request of projects previously deemed ineligible due to inaction.

2. Documents

All applications will be submitted with the ADA Transition Plan Executive Summary. Solicitations will be sent out in January of each year and agencies/USM campuses will have 4-6 weeks to submit applications for review.

All applications should include the following four components:

- Cover letter – which includes the name of the primary project contact and the ADA Coordinator. Cover letter should also include a brief summary of the project and requested amount of funding.
- Access Maryland Application
- ADA Transition Plan Executive Summary
- Supporting documentation such as photos and/or architectural drawings

3. Application Procedure

In an effort to ensure that project funds are expended in a timely manner, Access Maryland will transition the way in which it provides funding.

If a project is small and it's anticipated that design and construction will be completed within the same fiscal year that it receives funding, then an applicant should apply for funding for both phases.

If a larger project will take a year to initiate and complete design, then the applicant should request funding for only the design phase of the project. However, the application will allow the applicant to note the anticipated costs of the construction phase. Thus, if a design-phase award is included in the capital

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budget during one fiscal year, then the construction cost of the same project will automatically be included in the following year's budget request.

4. Solicitation Process

- The opportunity to apply for Access Maryland funds is available to all Maryland State agencies and USM campuses.
- Access Maryland will not restrict application opportunities to only those agencies which have a Transition Plan on file; however, agencies and campuses MUST indicate on the Executive Summary the date of their last Transition Plan update. Maryland Access retains the right to request copies of transition plans at any time during the application and approval process.
- At the beginning of each calendar year, Access Maryland will solicit applications via email. These solicitations will be sent to USM Campus Presidents, ADA Coordinators, Facilities Directors, State Agency Secretaries, and any additional supporting staff. If you do not see or receive an invitation to apply by February 1st, please contact Access Maryland staff.

5. Submittal Process

Applications are submitted online with the ability to upload all supporting documentation. The link for application submission will be sent out to all applicants at the time of solicitation.

Maryland Access Review

1. Review Panel

The Access Maryland Review Panel is comprised of Maryland Department of Disabilities staff and other community stakeholders. The reviewers score all requests for Access Maryland funds based on personal experience as people with disabilities, project managers, architects, and/or experts in accessibility issues.

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2. Review Process

All project requests are scored using the Project Score Sheet. All reviewer scores are compiled and totaled. The highest scoring projects are given first priority to Access Maryland funds, up to, but not exceeding, the total capital budget request of \$1.6 million.

When scoring requests, priority is given to those facilities with a high degree of public use, requests which have involved people with disabilities, and requests which provide programmatic access that cannot be addressed by anything other than capital modifications.

Requests need to provide the complete picture of how the facility is currently structured, accessible or inaccessible. Requests should also identify how the facility will gain greater ADA compliance by implementing the requested upgrades.

All projects awarded funds will be notified prior to the forthcoming legislative session. Please see Standard Timeline on page 3 for complete outline of award process.

3. Review Appeals

The Access Maryland Review Panel performs a review comprised of project eligibility, administrative criteria and need for the project. If a submitted project is not chosen, Access Maryland encourages the agency/USM campus to consider reapplying for the following fiscal year.

4. Project Cancellation

If an agency or campus does not anticipate initiation of an approved project, or decides to cancel the project for any reason, you must notify Access Maryland staff in writing or via email as soon as possible.

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Project Score Sheet

Category	Maximum Points per	Description	Your score	Comment
Accessible Approach - Number and configuration of parking spaces and access aisles, signage; route from parking and/or public transportation; length of travel and slope and cross slope; ramp; stairs; handrails; landings; entrance doors – clear floor space, hardware, threshold and pull pressure; vestibules; way finding signage; chairlift; protruding objects; landscape obstructions to visibility; evacuation route	50	Safety Hazard*		
	25	Major Barrier*		
	15	Moderate Barrier*		
	10	Negligible Impact		
Access to Services - Interior accessible route – hallways; doorways/thresholds/hardware; protruding objects; elevator dimensions/controls/hoistway signage/emergency communication; evacuation route; areas of rescue assistance; audible and visual fire alarms	50	Safety* Hazard		
	25	Major barrier*		
	15	Moderate Barrier*		
	10	Negligible Impact		
Restrooms - May include hallways, doorways/thresholds/hardware, stall configuration, accessories, signage, mounting heights, lever hardware, audible and visual fire alarms	50	Primary Access Upgrade		
	25	Major barrier		
	15	Moderate Barrier		
	10	Negligible Impact		
Additional measures necessary - Water fountains – mounting heights, accessible approach, hardware, protruding objects; additional signage; public pay phones – mounting height,	50	Primary Access Upgrade		
	25	Major barrier		

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accessible approach, hardware, protruding objects, provision of a TTY	15	Moderate Barrier		
	10	Negligible Impact		
Meaningful Involvement - input by people with disabilities or demonstrates appropriate language and regulations for modification requested.	50			
Transition Goals – Does this project eliminate one of the barriers identified in the Transition Plan Executive Summary?	25			
Presentation and completeness of request	25			
Bonus points for great need	50			
Total score for project				

****Please note, where Safety Hazard and Major/ Moderate Barrier are listed, they are not mutually exclusive.**

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Staff Contacts & More Information

<http://mdod.maryland.gov/accessmd/Pages/Access-Maryland-Home.aspx>

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